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August 11, 2020

Sheila T. Reiff  
Clerk of Supreme Court  
Supreme Court of Wisconsin  
110 East Main Street, Suite 215  
P.O. Box 1688  
Madison, WI 53701-1688

Re: Clean Wisconsin, Inc. v. DNR  
Appeal No. 2016AP1688

Dear Ms. Reiff:

I represent Intervenor-Co-Appellant Kinnard Farms, Inc. in the above-captioned appeal. This letter responds to the Court's July 28, 2020 order directing the parties to file letters or briefs discussing the status of this case and the impact on this case of the Court's recent decision in *SEIU, Local 1 v. Vos*, Nos. 2019AP614-LV and 2019AP622, 2020 WI 67 ("Vos").

With respect to current status of this appeal, Kinnard Farms offers this brief procedural history. After accepting this appeal on certification from the Court of Appeals, the Legislature filed a motion seeking to intervene. On May 7, 2019, the Court stayed briefing on the merits in this case pending briefing and decision on the Legislature's motion to intervene. On September 6, 2019, after receiving briefs on the Legislature's motion, and after constitutional challenges were mounted in *Vos* against the statutes upon which the Legislature was relying for intervention, the Court issued an order further staying briefing on the merits.

The Court has recently declared in *Vos* that those legislative intervention statutes – Wis. Stat. §§ 803.092m) and 13.365 are facially constitutional, and that the Legislature's right to intervene extends to core legislative functions. *Vos*, 2020 WI 67, ¶ 10. For these reasons, and for those more particularly argued by the Legislature in its submissions of April 25, 2019 (Petition to Intervene), June 1, 2019 (Supplemental Memorandum Concerning Intervention) and its filing in response to the Court's July 28, 2020 order, Kinnard Farms supports permitting the Legislature to intervene in this appeal. After determining whether to permit intervention of the Legislature, Kinnard Farms requests that the Court issue a schedule for briefing on the merits in this appeal.



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Sincerely,

**MICHAEL BEST & FRIEDRICH LLP**

A handwritten signature in black ink, appearing to read 'Jordan Hemaidan', written in a cursive style.

Jordan J. Hemaidan

cc: Kathryn A. Nekola / Evan Feinauer  
Gabe Johnson-Karp / Jennifer L. Vandermeuse  
Andrea Gelatt / Robert D. Lee  
Robert I. Fassbender  
Eric M. McLeod / Lisa M. Lawless